

Appl. No. 09/755,408
Atty. Docket No. 7903M
Amtd. Dated October 6, 2003
Reply to Final Office Action of August 5, 2003
Customer No. 27752

REMARKS

Claim 2 has been canceled without prejudice. Claims 1, 3-4, 10, 21, and 28 have been amended. Claim 1 has been amended to require that the at least one upstanding strut be articulably connected to the upstandable sidewall of the container. Support for the current Amendment to Claim 1 is found in Claim 2, as originally presented. Claim 10 has been amended to require that the first and second struts be articulably associated with the first and second upstandable sidewalls. Support for the current Amendment to Claim 10 can be found in the Specification on page 4, lines 16-20, as originally presented. Claim 21 has been amended to require that the at least one upstanding reinforcing panel be connected to at least one of the sidewalls. Claim 28 has been amended to require that the first and second reinforceable panels be articulably associated with the first and second sidewalls. Support for the Amendments to Claims 21 and 28 is found in Claim 2, as originally presented. Claims 3-4 have been amended to change their dependency due to Applicant's cancellation of Claim 2 without prejudice. Claim 21 has also been amended to provide proper antecedent basis for the reinforceable panel. No new matter has been added. Claims 1, 3-5, 8-14, 16-17, and 24-34 remain in this Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

Telephonic Interview

Applicant thanks the Examiner for the after final interview on October 2, 2003. Even though an agreement was not reached, Applicant is providing the instant Amendments and the following comments within two months of the statutory three-month period for reply as discussed. Applicant respectfully requests the Examiner to reconsider Applicant's position and provide favorable reconsideration. Applicant will be providing a summary of the telephonic interview under separate cover.

Substitute Specification

The Examiner has indicated that the substitute specification filed March 23, 2003 and resubmitted on June 30, 2003 was objected under 35 U.S.C. §132 for the introduction of new matter. Applicant again traverses this rejection. However, for the sake of expediency, an additional Application will be submitted prior to issuance of the instant Application. Therefore, Applicant withdraws submission of the substitute specification and proposed substitute sheets of drawings in the instant Application.

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Rejection Under 35 U.S.C. §102(b)

Turning now to the Examiner's rejections of the Claims, Claims 1-4, 10-13, 16-17, 21-24, 28-31, and 33-34 were finally rejected under 35 U.S.C. §102(b) over Nichols, U.S. Patent No. 5,002,194 and Artusi, U.S. Patent No. 4,801,017. Claims 1, 10-13, 21, and 28-31 were finally rejected under 35 U.S.C. §102(b) over Harrison, British Reference No. 2194514A. Again, Applicant respectfully traverses these rejections. Previous arguments made regarding the *Nichols*, *Artusi*, and *Harrison* references will not be repeated for the sake of brevity. Applicant respectfully requests the Examiner to consider the following additional arguments with respect to the references:

1. By Amendment, Applicant has amended Claims 1, 10, 21, and 28 to require articulable connection between the upstanding strut (reinforcing panel) to the sidewall of the container.
2. Applicant respectfully suggests that the *Artusi*, *Nichols*, and *Harrison* references are silent with respect to providing an articulable strut or reinforcing panel that is articulably connected to an upstandable sidewall of a container.
3. The *Harrison* reference discloses a cardboard case erected prior to insertion of an inner container and following insertion of the inner container, provision is made for connecting the inner container wall or walls to the outer case wall or walls. *See Abstract*. In particular, *Harrison* states that such connection may be by adhesive or sealing, or by means of projections on the wall or walls of the inner container engaging in apertures in the wall or walls of the outer case. Thus, it can be seen that *Harrison* does not require any removable or articulable connection of a supporting structure to the container.
4. The *Nichols* reference is silent with respect to requiring an articulable connection of a strut or reinforcing panel with an upstandable sidewall.
5. Further, Applicant respectfully suggests that *Artusi* is silent with respect to providing Applicant's claimed articulable reinforcement. Particularly, since the Examiner indicates that the structure defined by call-out No. 1 in Fig. 2 could be considered a container, Applicant is at a loss to understand how the embodiment shown as call-out No. 2 can exhibit articulable connection thereto.

Because of these considerations, the *Artusi*, *Nicholas*, and *Harrison* references do not teach each and every element of Applicant's claimed invention as presented in Claims 1, 10, 21, and 28. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection with respect to independent Claims 1, 10, 21, and 28. Further, the *Artusi*, *Nicholas*, and *Harrison* references, alone or in combination, do not suggest Applicant's claimed container. Thus, the *Artusi*, *Nicholas*, and *Harrison* references fail to disclose, teach, suggest, or render obvious, either singly or in combination, every recited feature of Applicant's independent claims.

Because dependent Claims 3-5, 8-9, 11-14, 16-17, 22-27, and 29-34 all depend directly or indirectly from Applicant's independent Claims 1, 10, 21, or 28, they contain all of their respective limitations. For this reason, Applicant submits that the arguments made above concerning the allowability of Claims 1, 10, 21, and 28 are equally applicable to the rejection of Claims 3-5, 8-9, 11-27.

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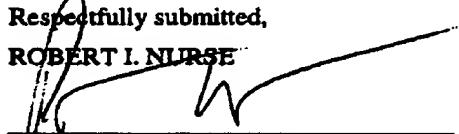
14, 16-17, 22-27, and 29-34 under 35 U.S.C. §102(b). Applicant therefore requests reconsideration and withdrawal of the Examiner's 35 U.S.C. §102(b) rejection to Claims 3-5, 8-9, 11-14, 16-17, 22-27, and 29-34.

Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicant's remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512 on October 6, 2003 (October 5 being a Sunday). If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
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